

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 310

IN THE MATTER OF:

Served September 20, 1963

Application of D. C. Transit System, )  
Inc., for a Certificate of Public )  
Convenience and Necessity. )

Application No. 64

The Commission has heretofore, by Order No. 291, served August 8, 1963, referred this matter to an examiner for processing and issuance of proposed certificate.

There follows hereafter the report and proposed certificate as prepared by Examiner Russell W. Cunningham. Any interested person may file exceptions thereto in accordance with the rules of practice and procedure and regulations of this Commission.

PROPOSED REPORT

D. C. Transit System, Inc., 3600 M Street, N. W., Washington, D. C., seasonably filed an application for a certificate of Public Convenience and Necessity pursuant to Section 4(a)<sup>1</sup> of Article XII of

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<sup>1</sup> "4(a) No person shall engage in transportation subject to this Act unless there is in force a certificate of public convenience and necessity issued by the Commission authorizing such person to engage in such transportation; provided, however, that if any person was bona fide engaged in transportation subject to this Act on the effective date of this Act, the Commission shall issue such certificate without requiring further proof that public convenience and necessity will be served by such operation, and without further proceedings, if application for such certificate is made to the Commission within 90 days after the effective date of this Act. Pending the determination of any such application, the continuance of such operation shall be lawful."

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the Washington Metropolitan Area Transit Regulation Compact ("Compact"), alleging that it was, on March 22, 1961 (the effective date of the Compact), bona fide engaged in transporting passengers for hire in motor vehicles in regular route common carriage, and irregular special and charter operations. Filed as part of the application were various exhibits required by the Commission, including detailed descriptions of all regular routes, a list of vehicles, evidence of operating authority previously issued to it by the Interstate Commerce Commission ("ICC") and the State Corporation Commission ("SCC") of Virginia, financial data, and a statement setting forth the scope of the operating authority sought by this applicant.

The applicant is entitled by law to a certificate authorizing such transportation as it was bona fide engaged in on March 22, 1961. The following is a detailed description of the transportation performed by the applicant on that date as set forth in its application.

Regular Routes: Generally, D. C. Transit was engaged in regular route operations within the District of Columbia, within Montgomery County, Maryland, and within that portion of Prince Georges County, Maryland, north of the John Hanson Highway.

The regular route transportation within the District of Columbia was engaged in by virtue of a franchise granted to applicant by the United States Congress in P. L. 757, 70 Stat. et. seq. This franchise gave D. C. Transit the right to conduct regular route operations over

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all streets in the District of Columbia. Regular Route transportation was performed within Montgomery and Prince Georges Counties, Maryland, under permits issued by the Public Service Commission in Maryland.

D. C. Transit System also transported passengers for hire in interstate commerce over regular routes between the District of Columbia and points and places in Montgomery and Prince Georges Counties, Maryland, under the provisions of Section 203(b)(8), Part II, of the Interstate Commerce Act, and under certificates of public convenience and necessity issued by the Interstate Commerce Commission. The applicant did not conduct regular route operations within the Commonwealth of Virginia.

Irregular Routes, Charter and Special Operations: D. C. Transit engaged in transporting passengers for hire in charter and special operations, including sightseeing, within the District of Columbia, within Montgomery and Prince Georges Counties, Maryland, and between these jurisdictions. This transportation was sold to groups or parties and to individuals.

It also conducted charter and special operations between Washington, D. C. and race tracks at Laurel, Bowie, Marlboro, and Rosecroft, Maryland, serving no intermediate points. The applicant also transported in special operations passengers having a prior or subsequent movement by aircraft between the Washington National Airport, Virginia, and points and places in the Metropolitan District, except points and places in Virginia. This transportation was performed under Section 203(b)(7a), Part II, of the Interstate Commerce Act.

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The applicant was also authorized by the ICC to transport passengers in charter operations from points other than Alexandria, Virginia, in the Washington, D. C. Commercial Zone to points in Maryland and Virginia, and return, restricted to traffic originating in the territory indicated. Additionally authorized were special operations on round trip sightseeing or pleasure tours from points other than Alexandria, Virginia, in the Washington, D. C., Commercial Zone to points in Maryland and Virginia within 100 miles of Washington, D. C., and return. With the exception of aircraft passengers, the authority discussed in this paragraph is the only basis on which the applicant could originate operations from Virginia, and it must have been destined to Maryland and return.

It is the opinion of the examiner that the following proposed certificate embraces all of the transportation engaged in by the applicant on March 22, 1961, that is subject to the jurisdiction of this Commission.

PROPOSED CERTIFICATE

It is recommended that a Certificate of Public Convenience and Necessity be granted to D. C. Transit System, Inc., to transport passengers for hire as follows:

A. Regular Route Common Carrier Operations:

Passengers and their baggage, and express and newspapers, in the same vehicle with passengers:

1. Between all points and places in the District of Columbia;

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2. Between all points and places in Montgomery County, Maryland;
3. Between all points and places in Prince Georges County, Maryland, north of the John Hanson Highway;
4. Between all points and places in 1, 2, and 3 above.

This service shall be operated over the routes described in Application No. 64, which have heretofore been received and given File Numbers. Some of these routes have been amended by Commission order and are so reflected in current File Numbers. Any minor changes in or deviations of said routes shall be in accordance with the rules and regulations of the Commission.

B. Irregular Route Charter Operations:

Passengers and their baggage in the same vehicle:

1. Between all points and places in the Washington Metropolitan District, except between points and places in the Commonwealth of Virginia; restricted further that traffic originating in Virginia is restricted to points and places in Maryland only, and return.

C. Irregular Route Sightseeing Operations:

Passengers and their baggage in the same vehicle:

1. Between all points and places in the Washington Metropolitan District, except between points and places in the Commonwealth of Virginia; restricted further

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that traffic originating in Virginia is restricted to points and places in Maryland only, and return.

Provided: Tickets may be sold to groups or parties and individuals.

D. Irregular Route Special Operations:

Passengers and their baggage in the same vehicle :

1. Between all points and places in the Washington Metropolitan District, except between points and places in the Commonwealth of Virginia, and further restricted against traffic originating at points and places within the Commonwealth of Virginia.

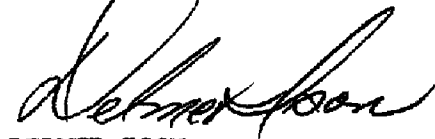
E. Irregular Routes -- Others:

Passengers and their baggage having a prior or subsequent movement by aircraft:

1. Between the Washington National Airport and points and places in the Metropolitan District, except between points and places in the Commonwealth of Virginia.

Any repetition in the statement of authority granted herein shall not be construed as conferring more than one operating right.

FOR THE COMMISSION:



DELMER ISON  
Executive Director